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W.P.No.2184 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2023

CORAM

THE HON'BLE MR. JUSTICE C. V. KARTHIKEYAN

Writ Petition No.2184 of 2023

S.Rameshkumar

... Petitioner

Versus

1. The Chief Engineer,
Public Works Department,
Water Resource Department,
Chepauk, Chennai – 600 005.
2. The Junior Engineer,
Public Works Department,
Adyar Water Division,
St.Thomas Mount,
Chennai – 600 016.
3. The Assistant Executive Engineer,
Public Works Department,
Kosasthalaiyaru Padugai Utkottam,
Chepauk, Chennai – 600 005.
4. The Tahsildar,
Pallavaram Taluk,
Chengalpet District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st and 2nd respondents to remove the accumulated and deposited sands from the patta land in Plot Nos.13 and 14 in Rajiv Nagar, comprised in Survey No.231/2B, Patta No.281 and in Survey No.231/2F1B and having Plot



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was approved by CMDA and planning permit sanctioned vide planning permit No.488/2022 and D.Dis.No.5906/2022/A4 dated 16.12.2022 of an extent of 3600 sq.ft., of vacant land situated in Pozhichalur Village, Pallavaram Taluk, Chengalpet District within the time frame fixed by this Court.

For Petitioner : Mr.S.Kalyanasundaram, Senior Counsel
For Mr.R.Vasudevan

For Respondents : Mrs.P.Rajarajeswari,
Government Advocate

ORDER

The petitioner had purchased two plots which are categorized as Plot Nos.13 and 14 measuring about 3,600 sq. ft. They are at Pozhichalur Village in Survey No.231/2 B, Patta No.281 and in Survey No.231/2F, New Patta No. 4045, New Survey No.231/2F1B. The two plots are adjacent to the bund of the Adyar river.

2. The respondents are taking steps to desilt the Adyar river which is only natural. When they desilt the river, they will have to find a place to dump the sand which they collect. They have dumped, according to the learned senior counsel for the petitioner, the sand on the lands of the petitioner aforementioned namely Plot Nos. 13 and 14.



3. A representation has been given by the petitioner on 30.12.2022 seeking removal of the said sand.

4. Raising a grievance that in spite of such representation, no steps have been taken by the respondents, the present Writ Petition has been filed.

5. Mr.S.Kalyanasundaram, learned Senior Counsel however stated that the petitioner is also ready to remove the sand, provided, of course the respondents, at some point they give an undertaking and actually honor that undertaking if given, to reimburse the petitioner with necessary expenses.

6. This is an issue entirely within the zone of the petitioner and the respondents.

7. I would therefore direct the 2nd respondent/Junior Engineer, Public Works Department, Adyar Water Division at St.Thomas Mount in Chennai to issue a notice to the petitioner herein S.Rameshkumar, resident of Pozhichalur Village to appear before him and both can discuss about the entire issue and come to an amicable settlement.



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8. The respondents may give a time frame within which the sand would be removed and in the alternate if the petitioners are to remove the sand, give an undertaking about the payments of the expenses so involved.

9. Let that step be taken.

10. At the first instance, the petitioner and the respondents should have conduct a face-to-face meeting on or before 09.02.2023 and thereafter, necessary steps to be taken.

11. I am confident that no further orders are required. At any rate, the entire removal of the sand should be completed on or before 28.02.2023.

12. The Writ Petition stands disposed of. No order as to costs.

30.01.2023

ssi

Index : Yes/No

Internet : Yes/No

Neutral Citation Case: Yes/No



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C. V. KARTHIKEYAN, J.
ssi

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